

## **REMARKS**

### **Claims**

Claims 1-3, 8-19 and 22-51 are pending in this application. Claims 4-7 and 20-21 have been cancelled. By this Amendment After Final, claims 1, 8-11, 14, 26, and 29-30 have been amended, and claims 31-51 have been added. Claims 1-3, 6-7, 12-21 and 25-30 stand rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Morikita (US-6,003,339). Further, claim 11 stands rejected under 35 U.S.C. § 103 (a) as obvious over Morikita in view of JP 2-175115.

Applicant wishes to thank the Examiner for acknowledging that claims 8-10 and 22-24 contain allowable subject matter and would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In view of the following remarks, Applicant respectfully traverses the rejections of claims 1-3, 6-7, 11-21, and 25-30.

### **Rejection under 35 U.S.C. §102(b)/103(a)**

The Examiner alleges that independent claim 1 is anticipated by or obvious over U.S. Patent 6,003,339 to Morikita (“Morikita”). Office Action at 2, lines 16-18.

Claim 1 has been amended. In spite of the proposed amendment to include more structural language, Applicant does not subscribe to the Examiner’s legal analysis regarding “structure” and “function” and does not necessarily admit that claim 1 has been narrowed by the proposed amendment. The amendment is supported by at least originally filed claim 6 and page 33, lines 21-23 of the specification.

In the Office Action at page 2, line 19, the Examiner stated, “Morikita discloses nearly all that is recited in the claims.” Contrary to that statement Morikita fails to teach or suggest at least “a static pressure film of the pressure-transfer medium, . . . filling the clearance” as recited in claim 1. Morikita discloses “nitrogen gas is supplied, via the line 57, to the space surrounded by the upper cylinder 13, the lower cylinder 33, the upper core 12 and the lower core 32.” Col. 14, lines 8-10. However, Morikita discloses the object of the supply of nitrogen gas as follows:

The surface of the upper core 12 and the lower core 32 are covered with thin films to prevent adhesion of molten glass. However, . . . the thin film tend to become oxidized as the molding operation is repeated, reducing durability of the molding die assembly. To prevent such oxidation the present invention supplies nitrogen gas to the space between the upper molding die 11 and the lower molding die 31 . . . . (Col. 12, lines 39-47.)

Thus, the object of the supply of nitrogen gas in Morikita is not to transfer pressure. Such nitrogen gas of Morikita does not form a static pressure film in the clearance. Therefore, Morikita fails to teach or suggest every element of claim 1, and claim 1 is not anticipated by Morikita.

Moreover, the disclosure of Morikita teaches away from the molding die of claim 1. Morikita discloses a nitrogen gas is supplied through a hole located on *only one side* of upper cylinder 13 and lower cylinder 33. Fig. 14, 15 and 19. In addition, Morikita discloses, “the upper core 12 has a slit 52 of about 50 to 100  $\mu$ , while an annular gap of about 5  $\mu$  is formed between the upper core 12 and the upper cylinder 13.” Column 13, lines 6-8. Thus, even if the pressure-transfer medium is supplied to the molding die of Morikita through the hole, the upper core 12 and the lower core 32 slants and does not form *a static pressure film* in a clearance between the upper and lower cores 12 and 32 and the upper and lower cylinder 13 and 33.

Thus, at least because Morikita teaches away from the molding die of claim 1, the subject matter of claim 1 would not have been obvious over Morikita.

Because claim 14 is directed to a molding apparatus using the molding die of allowable claim 1, the rejection of claim 14 should be withdrawn. Also, the rejection of independent claims 26 and 28-30 should be withdrawn for at least the same reasons as claim 1. Further, because independent claims 1, 14, 26 and 28-30 are allowable, the rejection of dependent claims 2-3, 6-7, 11-21, 25 and 27 should be withdrawn.

Claims 8-11 have been amended to make clear the invention and to be consistent with the amendment of claim 1. Those amendments do not narrow the scope of the claims and include no new matter.

#### **New claims 31-51**

New claims 31-51 do not contain any new matter. Claims 31 and 40 are supported at least by page 42, lines 3-5 of the specification. The additional limitation in claims 32-39 and 41-49 correspond to the additional limitation in claims 2, 3, 8-13, 15-19 and 22-25, respectively. New claims 50 and 51 are supported by at least Figs. 1-7 of the specification.

Applicant submits that independent claims 31 and 40 are allowable for at least the same reasons as claim 1. Further, Morikita does not teach or suggest, “the plurality of supply ports being arranged at equally spaced intervals on the inner surface or the outer surface in a direction perpendicular to an axial direction of the holding member.” Claims 31 and 40. Because independent claims 31 and 40 are allowable, dependent claims 32-39 and 41-49 are also allowable.

Applicant submits that independent claims 50 and 51 are allowable for at least the same reasons as claim 1. Further, Morikita does not teach or suggest, “not all of the plurality of supply ports are vertically aligned.” Claims 50 and 51.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-3, 8-19, and 22-51 in condition for allowance. Applicant submits that the proposed amendments of claims 1, 8-11, 14, 26, and 28-30 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, because all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

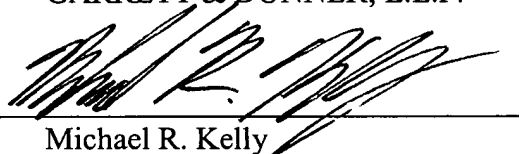
In view of the foregoing remarks, Applicant submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration and reexamination of this application and that a timely Notice of Allowance be issued in this case.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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